Section 8. Regulatory Changes and Schedule

8.1 Introduction

There are three main Federal regulations that are used to provide the framework for ambient air quality monitoring, 40 CFR parts 50, 53, and 58. These regulations cover the sampling and analytical methods used, how new methods are approved, quality assurance and control procedures, and basic monitoring objectives for certain air pollutants. The focus in this section is the air monitoring regulations and how they will be revised to support the national ambient air monitoring strategy (Strategy).

EPA is reviewing and intends to modify appropriate regulations to incorporate more continuous particle techniques, to revise the national air monitoring requirements for each criteria pollutant and ozone precursors, and to update the data reporting requirements to reflect the development of newer databases and electronic storage capabilities. EPA will provide ample flexibility for State, local, and tribal (SLT) agencies to address their regional or local concerns.

EPA is considering including the regulatory changes necessary for the monitoring strategy into the regulatory changes needed for the ongoing PM NAAQS review. The PM NAAQS review may result in EPA establishing a new coarse particle NAAQS and its associated air monitoring requirements. There is significant overlap between these two activities.

8.2 Specific Regulations to be Reviewed

There are three main regulatory "Parts" of the Code of Federal Regulations (CFR) that will be investigated to modify the monitoring regulations. These regulations are all part of CFR Title 40 which deals with the environment. Specifically:

1. **40 CFR 50, Appendices: National Primary and Secondary Ambient Air Quality Standards (NAAQS), Appendix L.** This regulation provides for the NAAQS and the Federal Reference Methods (FRM) for measuring each air pollutant with an established standard. There is an ongoing PM NAAQS review that is very likely to result in establishing a PMcoarse (PM_{10}-$PM_{2.5}$) NAAQS. Accordingly, there will be a need to include a FRM for PMcoarse into the regulatory changes if this decision is made. The EPA's Office of Air Quality Planning and Standards is working with the Office of Research and Development (ORD) laboratory that will provide for this new PMcoarse method. The current thinking is that a sequential dichotomous sampler may be selected as the PMcoarse FRM. If this method is selected, it would need to be developed as a useful federal equivalent method (FEM) for $PM_{2.5}$ and PM_{10} as well.

EPA will review the existing $PM_{2.5}$ FRM to identify areas where burden can be reduced or eliminated. This will include a review of the Appendix L text which describes the reference method for measuring $PM_{2.5}$, and a variety of sampler operational parameters that must currently be reported. EPA has sufficient information at this time to understand the $PM_{2.5}$ FRM operation, and could possibly reduce the number of parameters that monitoring agencies must report as supplementary data. EPA does not expect to change the overall $PM_{2.5}$ FRM.

2. **40 CFR 53 Ambient Air Monitoring Reference and Equivalent Methods.** This regulation provides air quality monitoring instrument manufacturers with the application and testing requirements for reference and equivalent methods that must be followed in order to have their sampler/analyzer approved for regulatory use. EPA/ORD is currently responsible for these approvals. EPA will review this regulation and identify where changes may be possible to allow for more options in PM FEMs.

3. **40 CFR 58 Ambient Air Quality Surveillance.** Nearly all data collection and reporting requirements, all the quality assurance requirements, the NAAQS pollutant network design criteria, the air quality index reporting, and annual data certification requirements are included within this regulation. Part 58 describes how the Clean Air Act air monitoring authority has been interpreted and implemented by the EPA and our State and local agency partners for air pollutants with established NAAQS. Tribal agencies are not regulated under this provision; however, the technical requirements within should be familiar to any tribal agency that plans to conduct monitoring. At this time, EPA expects to include the following items in this regulatory package:

    - adopt NCore as a replacement for the NAMS/SLAMS network requirements;

    - continue to provide monitoring requirements for areas that violate or are suspected of violating a NAAQS (any pollutant), and reduce requirements in areas that have established their attainment status;

    - adopt a regulatory structure for ozone and $PM_{2.5}$ that includes consideration for historical concentration values in addition to population. (Current requirements are based largely on population figures of cities);

    - continue to support the need for air monitoring agencies to customize their network to address their local data needs;

- reduce data reporting where possible, and update existing data reporting requirements to push for more automated data processing and management systems;

- promote air quality reporting to the public with emphasis on being able to map air quality and promote the Air Quality Index;

- revise the two quality assurance appendices to reflect current program needs. Define a graded approach for quality assurance activities; more specifically, tailoring the quality system and quality assurance project plan development to the data collection objectives; and

- simplify the language of the whole regulation.

8.3 Participants in the Regulatory Review

EPA has engaged a variety of parties for this regulatory review process. The NMSC is providing broad recommendations for the national air monitoring program that will require regulatory changes. Their recommendations include a multi-level NCore approach that emphasizes measuring multiple air pollutants at key locations and additional air monitoring to promote ozone and PM mapping and public data reporting. To manage this work, three separate work groups were created, one each for the subjects of regulatory review, quality assurance, and technology.

The quality assurance group is providing recommendations for changes to the quality assurance provisions of the monitoring regulations as well as all existing quality assurance practices. (See Section 5.) The technology work group is making recommendations for use in the methods sections of the regulations and in technical guidance used by monitoring agencies. (See Section 6.) The regulatory review work group must take the information from all of these parties, in addition to the NMSC, and review the 40 CFR 58 requirements to develop an appropriate regulatory package.

The NMSC and the three work groups include representatives from the EPA OAQPS, the ten EPA Regional Offices, State agencies, local agencies, and tribal governments. In moving forward, all regulatory changes will undergo public review and comment inherent within the regulatory modification process. EPA will also work through existing mechanisms such as the STAPPA/ALAPCO Monitoring Committee and the Standing Air Monitoring Work Group (SAMWG) to communicate with stakeholders on these regulatory changes.

8.4 Schedule

These schedules are best estimates for when this work will be complete.

- October 23-25, 2001 - Monitoring Strategy Workshop (kickoff regulatory review)
- January-July 2002 - NMSC finalizes their recommendations.
- October 2001 - December 2002 - Regulatory review work group to develop ideas for regulatory modifications. Regulatory sections are drafted.
- December 2002-February 2003 - EPA prepares cost estimates, reviews regulatory change, obtains agreement within office on content.
- sJune 2003- Proposal in the Federal Register (approximate date).
- 90-day Public comment period.
- December 2003 - Final regulatory package published in Federal Register (approximate date).

EPA did consider merging the regulatory packages on the Monitoring Strategy and the regulatory package for the PM NAAQS review. The current difference in schedules between the Monitoring Strategy and the PM NAAQS review is significant, and would delay making progress in realizing many of the Monitoring Strategy goals. These package will not be combined at this time. EPA may have to address certain PM monitoring issues, such as certain uses of continuous PM samplers and modifications to the FRM/FEM criteria, within the PM NAAQS package.